

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN LAMONT WINN,

Petitioner,

No. C 08-3644 PJH (PR)

v.

ORDER OF TRANSFER

CALIFORNIA DEPARTMENT OF
CORRECTIONS,

Respondent.

This is a habeas case filed pro se by a state prisoner. Petitioner seeks to challenge a conviction obtained in the Superior Court in and for Solano County. Solano County is in the venue of the United States District Court for the Eastern District of California. Petitioner is incarcerated at North Kern State Prison, which also is in the Eastern District.

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); in this case, both are the Eastern District. This case therefore is **TRANSFERRED** to the United States District Court for the Eastern District of California. See 28 U.S.C. § 1406(a); Habeas L.R. 2254-3(b). Because of the transfer, the court has not ruled upon petitioner's motion for leave to proceed in forma pauperis.

IT IS SO ORDERED.

Dated: August 8, 2008.



PHYLLIS J. HAMILTON
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JOHN LAMONT WINN,
Plaintiff,

Case Number: CV08-03644 PJH

CERTIFICATE OF SERVICE

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 8, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

John Lamont Winn CDC # F-62680
P.O. Box 5000
Delano, CA 93216

Dated: August 8, 2008



Richard W. Wieking, Clerk
By: Nichole Heuerman, Deputy Clerk